

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

Up to \$6,100,000 on Deposit in :
Account No. [REDACTED] 5876 at Bank :
Julius Baer Co. Ltd (Guernsey :
Branch); and :

Up to \$3,651,339 on Deposit in :
Account No. [REDACTED] 5568 at Bank :
Julius Baer Co. Ltd (Guernsey :
Branch); :

Defendants in Rem. :

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DOC #:
DATE FILED: 6/12/07

ARREST WARRANT IN REM

07 Civ. 4430 (KMK)

WARRANT FOR ARREST OF PROPERTY AND ORDER FOR NOTICE

WHEREAS, on or about May 30, 2007, the United States filed a verified complaint for forfeiture (the "Verified Complaint") against the above-described property (hereinafter the "Defendant Funds");

WHEREAS, the Defendant Funds are held on deposit in two bank accounts at Julius Baer Co. Ltd (Guernsey Branch), namely:
(a) up to \$6,100,000 on deposit in account number [REDACTED] 5876 at Bank of Julius Baer Co. Ltd; and (b) up to \$3,651,339 on deposit in account number [REDACTED] 5568 at Bank Julius Baer Co. Ltd;

WHEREAS, the Court has reviewed the Verified Complaint and hereby finds, in accordance with Rule G of the Supplemental Rules for Certain Admiralty and Maritime Claims, that probable

cause exists that the Defendant Funds are: (i) property constituting or derived from proceeds traceable to fraud in the sale of securities, in violation of 15 U.S.C. §§ 78j(b) and 78ff, and 17 C.F.R. §§ 240.10b-5 and 240.105-2; and (ii) property constituting or derived from a conspiracy to commit fraud in connection with the purchase and sale of securities, in violation of 18 U.S.C. § 371, and property traceable to such property, and, therefore, the Defendant Funds, and all property traceable thereto, are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984.

IT IS, THEREFORE, ORDERED that:

1. Pursuant to Rule G(3)(B)(iv) of the Supplemental Rules for Certain Admiralty and Maritime Claims, the Attorney General of the United States or his duly authorized representative is hereby directed to request that the proper authorities of the Government of Guernsey (a) arrest the said Defendant Funds on behalf of the United States by serving this Arrest Warrant *in Rem* on the Defendant Funds or their custodian, (b) make return thereon, and (c) restrain or take the Defendant Funds into custody pending further order of this Court;

2. Subsequent to the execution of the process as aforesaid, pursuant to Rule G(4) of the Supplemental Rules for Certain Admiralty and Maritime Claims, the United States shall issue public notice of this action and of the arrest of Defendant

Funds, which notice shall be published **one time per week for three consecutive weeks** in the New York Law Journal, a newspaper of general circulation in this District where the action is filed, and **one time per week for three consecutive weeks** in the International Herald Tribune, or such other local or international newspaper of general circulation where the Defendant Funds are located and will be restrained or seized. A
Such notice shall specify the time within which a claim and answer must be filed as required by Rule G(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims.

Dated: June 11, 2007
New York, New York

SO ORDERED:


HONORABLE KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

→ The Government will also ^{make best efforts to} issue direct notice to any person who reasonably appears to be a ~~claimant~~ potential claimant, as provided in Rule G(4)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims.